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C O N F I D E N T I A L BUCHAREST 001244

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STATE FOR EUR/NCE A.JENSEN; NEA/I-PM S.EPSTEIN; AND PM/RSAT  
C.DOWLEY

E.O. 12958: DECL: 11/01/2032

TAGS: MARR MOPS PREL I<sub>2</sub> RO  
SUBJECT: ROMANIA: RESPONSE TO IRAQ DEPLOYMENT REQUIREMENTS  
SURVEY

REF: STATE 150164

Classified By: Deputy Chief of Mission Mark A. Taplin; Reasons 1.4(b) a  
nd (d).

¶1. (C) Summary: For Romania, the more specific the international mandate for Iraq, the better the outcome in terms of continued engagement in Iraq. President Basescu is committed to maintaining Romania's military commitments overseas, but the imprecisions within Romania's overlapping constitutional and legal authorities will ensure that any change in the status quo could trigger a politicized--and public--debate over these authorities themselves, as part of the bitter personal and institutional rivalries between the President, Prime Minister, and Parliament over these issues. There are also financial pressures against continued deployments given the strains on the defense budget. The bottom line, however, is that we still have the strong backing of President Basescu and with the proper preparation, Romania should be able to maintain its military commitments in Iraq. End summary.

¶2. (C) The EU's orientation towards developments in Iraq will play a significant part of Romania's calculation on its continued support for coalition military operations. That said, in terms of the best outcome among the scenarios put forward by reftel, scenario A (the U.S. concludes an agreement with Iraq that troop-contributing countries could join as parties) is more solid than scenario B (the U.S. concludes a bilateral agreement with Iraq that allows troop-contributing countries to sign up for "third-party" rights and obligations without joining as parties). Scenario C (the U.S. concludes a bilateral agreement with Iraq, and assists troop-contributing countries to draft and negotiate simpler, "generic" bilateral agreements with Iraq) is one which could also provide Romania with a &work-around& for maintaining its troops in Iraq. Scenario D (Romania commits its forces under U.S. command) can be done militarily, but would raise critical eyebrows politically.

¶3. (C) MFA and MOD officials reassured us repeatedly of their commitment to maintain current troop levels in Iraq, even if the coalition dissolves, and have mentioned the possibility of negotiating their own bilateral arrangement with the Iraqis. Some of this may have been intended to increase our confidence in Romania's military commitments following statements in the summer of 2006 from the Prime Minister and then-Defense Minister favoring a precipitous withdrawal from Iraq--a statement which both the government and leading members of the Prime Minister's Liberal Party have since recanted. MFA officials have pointed to Romanian interest in expanding economic and commercial ties with Iraq

as another motive for remaining engaged in Iraq and the region. MOD officials also see deployment alongside U.S. forces as an accelerant in the transformation of their military forces, and consider their involvement in MNF-I as the most effective way to create an expeditionary military that can be an effective and positive contributor to the NATO alliance.

14. (C) Answers to specific questions:

-- Which of the above scenarios will require only an executive decision? Which will require legislative approval or ratification?

Answer: Depends on domestic political situation at the time. In general the Supreme Council for National Defense (CSAT), which is chaired by the President, will make the call, but deployment of forces abroad will also require parliamentary concurrence.

-- Are you aware of examples of similar actions taken by your host country, or are there scenarios which would be novel?

Answer: This would be unprecedented in recent Romanian history, and thus could become a political "football" precisely because it would be seen as setting a precedent.

--What is the estimated time frame for the required action - Weeks? Months? Years? Are you confident in these assessments, or would you need to engage Foreign Ministry lawyers to be comfortable giving an authoritative answer?

Answer: Weeks to months. If the issue becomes embroiled in constitutional questions over who--the CSAT or parliament--has the authority to dispatch forces abroad, this

could result in extended debate. Any issues put forward first to the MFA lawyers could easily delay an assessment, since the law is ambiguous on this point.

15. (C) In addition to legal challenges, posts should also assess the domestic political requirements or challenges host governments / organizations might face in agreeing to a post-UN MNF-I mandate deployment to Iraq. Would an UNSCR of some kind be necessary? If so, would it need to authorize military action (Chapter VII), or would a generic (non-Chapter VII) call to support Iraq suffice?

Answer: A UNSCR, especially one that authorized military action would make the political process smoother. A generic call to support Iraq would probably lead to some political discussion, but it would also provide sufficient cover to support Romania's continued deployment. The bottom line is the more specific the international mandate for Iraq, then the better the outcome for Romania's engagement.

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Background  
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16. (C) The Armed Forces are constitutionally mandated to contribute to &the collective defense in military alliance systems, and participate in peacekeeping or peace restoring missions.<sup>8</sup> This provision has been interpreted to be sufficient broad to cover Romania's military roles in Iraq, Afghanistan (NATO) and the other deployments. Also, under the Romanian Constitution, the president is Commander-in-Chief and presides over Romania's Supreme Council for National Defense (CSAT), which operates by consensus to coordinate and decide Romania's participation in international security, peacekeeping and peace-restoring missions.

17. (C) The President may mobilize in part or in whole the armed forces, but only with prior approval from Parliament. In exceptional (undefined) circumstances the president can submit a decision for parliamentary approval within five days of a mobilization. In all cases, a Presidential decision

which requires parliamentary approval can be challenged within the Supreme Court of Magistrates if there is disagreement President and Parliament disagree on the prerogatives of their respective powers.

¶8. (C) It is an annual requirement for the government to decide the terms for any overseas deployments for the subsequent year, 2009. For example, the CSAT on June 29, 2007 set the terms for deployment of Romanian troops abroad for the subsequent year. That decision remains valid through December 2008, but it does not mean a subsequent CSAT decision, a Parliamentary emergency decree, or a Presidential determination could not amend that CSAT decision.

¶9. (C) The current complicated political situation in Romania could affect negatively its ability to continue to deploy troops overseas in the absence of a mandate from a competent international or multinational authority, such as the UN, NATO, EU, or even the OSCE. Part of the complication is that the Romanian constitution and laws do not clearly demarcate the authority of the Presidency, the government, and the Parliament on this issue. Prime Minister Tariceanu seeks to shift decision-making authority over the deployment of Romanian troops away from President Basescu so that the CSAT would take decisions by vote and not by consensus, which would shift power towards Tariceanu's appointees. For its

part, Parliament is eager to expand its powers by giving itself decision-making authority over the deployment (and withdrawal) of military forces sent overseas.

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